

09D01-2207-CT-000022

Cass Superior Court 1

Filed: 7/15/2022 3:44 PM

Clerk

Cass County, Indiana

STATE OF INDIANA)
)
COUNTY OF CASS)

IN THE CASS SUPERIOR COURT 1

2022 TERM

JUAN M. DELAFUENTE,
Plaintiff

VS.

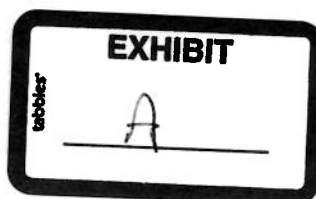
TYSON FRESH MEATS, INC.
Defendant

CAUSE NO. 09D01-2207-CT-022

COMPLAINT FOR DAMAGES

Comes now the Plaintiff, Juan M. DeLaFuente, by counsel, Brooks B. C. Ledger, and for his Complaint for Damages against the Defendant, Tyson Fresh Meats, Inc., states as follows:

1. At all times relevant hereto, the Plaintiff, Juan M. DeLaFuente, (hereinafter "Juan") was a resident of Laferia, Texas.
2. At all times relevant hereto, the Defendant, Tyson Fresh Meats, Inc. (hereinafter "Tyson"), was a foreign corporation operating a meat processing business in Logansport, Cass County, State of Indiana.
3. On August 6, 2020, Juan was working as an independent semi-truck contractor picking up a load of meat product from the Tyson meat processing plant in Logansport, Indiana.
4. Upon his arrival at Tyson, Juan parked his semi-truck at the loading dock, and a Tyson forklift operator employee loaded Juan's trailer with the desired meat product.



5. After being loaded, Juan pulled his semi-truck slightly forward from the loading dock and placed his semi-truck in park.

6. Juan then exited his semi-truck to ensure the trailer door was securely fastened.

7. As Juan walked towards the rear of the semi-trailer to inspect the door, Juan tripped on uneven broken concrete, causing him to fall and seriously injure his right knee.

8. Juan knew something was wrong immediately, because of the intense pain. Juan laid on the ground in pain for over five minutes.

9. Juan was then told by a Tyson employee supervisor to move his semi-truck and make an incident report with the security office.

10. After moving his semi-truck to a designated parking area, Juan limped his way to the Tyson security office to make an incident report.

11. The pain in Juan's right knee persisted following the trip-and-fall. On October 7, 2020, Juan underwent an MRI on his right knee, which revealed a grade 1 MCL sprain, partial ACL tears, medial meniscal tear, and moderate swelling.

12. The doctor recommended Juan to physical therapy, advising that the injury should heal on its own.

13. Juan completed physical therapy as instructed, but still has severe pain in his knee.

14. On June 7, 2022, Juan underwent a second MRI on his knee, which again revealed a medial meniscal tear, as well as MCL and ACL ligament partial tears.

15. Based on these MRI findings as well as physical findings, the doctor recommended Juan to proceed with a diagnostic and therapeutic right knee arthroscopy with medial meniscectomy.

16. Juan has constant pain and swelling to his right knee, and he experiences bruising, limping, clicking, and giving way.

17. The Defendant, Tyson, negligently caused and permitted this injury to Juan.

18. Tyson had a duty to keep its premises safe for semi-truck operators picking up meat product at the loading dock.

19. Tyson had a duty to keep a smooth surface at the loading dock or provide notice of uneven broken concrete which may cause a hazard to semi-truck operators picking up meat product.

20. Tyson breached its duty by failing to maintain a smooth surface and/or proper notification to semi-truck operators of the concrete being uneven and broken.

21. Tyson was negligent in its breach of duty causing injury to Juan.

22. Juan's injuries were a direct and proximate result of the negligence of Tyson.

23. As a result of the negligence of Tyson, Juan incurred medical expenses and will incur significant medical expenses to treat his injuries.

24. As a result of the negligence of Tyson, Juan incurred lost earnings and other out of pocket expenses.

25. As a further result of the negligence of Tyson, Juan has suffered physical pain, mental anguish and suffering, and personal trauma, and may continue to suffer the same for a period of time in the future.

WHEREFORE, Plaintiff, Juan M. DeLaFuente, demands judgment against the Defendant, Tyson Fresh Meats, Inc., for injuries in a reasonable amount to be determined at the trial of this cause, for medical expenses, pain and suffering and other special expenses, lost wages, court costs and for and for all further appropriate relief in the premises.

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JURY DEMAND

Comes now the Plaintiff, Juan M. DeLaFuente, by counsel, Brooks B. C. Ledger,
and hereby demands a trial by jury on all counts of Plaintiff's Complaint.

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